



Agenda Date: 2/20/02

Agenda Item: IIID

STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST CABLEVISION OF SOUTH)
JERSEY, INC. FOR A CERTIFICATE OF)
APPROVAL TO CONTINUE TO CONSTRUCT,)
OPERATE AND MAINTAIN A CABLE)
TELEVISION SYSTEM IN AND FOR THE)
CITY OF PLEASANTVILLE, COUNTY OF)
ATLANTIC, STATE OF NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE00120968

Stryker, Tams & Dill, Newark, New Jersey, by Janice Manganello, Esq., for the
Petitioner.

City Clerk, City of Pleasantville, New Jersey, by Alice M. Arlan, for the City.

BY THE BOARD:

On April 3, 1975, the Board granted Sammons Communications of New Jersey, Inc. ("Sammons") a Certificate of Approval in Docket No. 752C-6077 for the construction, operation and maintenance of a cable television system in the City of Pleasantville ("City"). On November 8, 1989, the Board granted Sammons a Renewal Certificate of Approval for the City, in Docket No. CE89050490. On March 1, 1996, the Board approved the sale of Sammons to Lenfest Atlantic, Inc. d/b/a Suburban Cable ("Lenfest") in Docket No. CM95080358. On January 18, 2000, the Board approved the merger of Lenfest and Comcast Cable Communications, Inc. in Docket No. CM99110855. On or about September 13, 2000, Lenfest formally changed its name to Comcast Cablevision of South Jersey, Inc. ("Petitioner"). Although the Petitioner's Certificate expired on April 3, 2000, it is authorized to continue to provide cable television service to the City pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the City on April 5, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The City, after public hearings, adopted an ordinance granting renewal municipal consent to the Petitioner on October 2, 2000. The Petitioner formally accepted the terms and conditions of the ordinance on October 25, 2000, in accordance with N.J.S.A. 48:5A-24.

On December 13, 2000, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the City. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the City in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years from the date of issuance of this Certificate. The Board finds this period to be of reasonable duration.
5. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 901 West Leeds Avenue, in the City of Absecon.
9. The franchise fee to be paid to the City is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the City. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide public, educational, and governmental ("PEG") access services, technical support, training and facilities as described in the application and the municipal consent ordinance. Currently, the Petitioner provides one channel for governmental access and one channel for educational access.

11. Upon request, within six months of approval of this Certificate, subject to the provisions of the ordinance, the Petitioner shall make available a non-commercial governmental/educational access channel for use by the City or the City's Public School District at no cost. However, the cost and expense of production and program development shall be borne by the parties utilizing the channel. The Petitioner shall only be required to provide limited technical assistance should transmission problems arise.
12. At its sole cost, the Petitioner shall install a return path in one municipal or school district building designated by the City Council, which shall be capable of live cablecasting of public meetings.
13. The Petitioner shall provide upon request, at no charge, the standard installation and basic monthly service to one outlet to the following: a) City Hall; b) each police and fire station; c) each public school building; and d) each public library, within the City, provided that the location is within 175 feet of the active cable distribution plant.
14. Within six months after such service is available in the City, and upon request, the Petitioner shall provide free basic Internet access service, via high-speed modem, to one non-networked personal computer in each public school building and each public library in the City, provided it is located within 175 feet of the active distribution system.

Based upon these findings, the Board HEREBY CONCLUDES that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the City.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be

adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire ten years from the date of issuance.

DATED: February 20, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
ACTING PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

ATTEST:

(signed)

HENRY M. OGDEN
ACTING BOARD SECRETARY